

CASE HP/5-21550/A/CONT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

IN RE APPLICATION OF

DIETMAR HÜGLIN ET AL

APPLICATION NO: 10/016,903

FILED: DECEMBER 14, 2001

FOR: USE OF NANODISPERSIONS IN

COSMETIC END FORMULATIONS

Group Art Unit: 1615

Examiner: G. S. Kishore

Board Of Patent Appeals And Interferences

US Patent And Trademark Office

P.O. Box 1450

Alexandria, VA 22313-1450

**DECLARATION UNDER 37 CFR § 1.132**

Sir:

I, Colleen M. Rocafort, declare as follows:

I hold a Masters in Arts degree in Cosmetic Science from Fairleigh Dickinson University and a Bachelor of Arts degree with certification from the American Chemical Society in Chemistry from Montclair State University.

I am currently the Global Business Head, Polymer Systems for the Home & Personal Care Business Line at Ciba Specialty Chemicals Corporation with overall responsibility to lead the global activities for Polymer and Encapsulation technologies within the Home & Personal Care Business Line. I am also responsible for coordinating the Personal Care global activities of the Regional Technical Service Labs located throughout the world, which involves training the staff on making cosmetic formulations and utilizing various types of mixers to do so.

IN THE UNITED STATES PATENT OFFICE

In re Application of

DIETMAR HÜGLIN ET AL.

Serial No. 10/016,903

Filed December 14, 2001

for: Use of nanodispersions in cosmetic end formulations

DECLARATION UNDER RULE 132

I, Daniel Thibaut, a citizen of France & Switzerland, residing in Blotzheim

that I have studied Chemical Engineering & Chemistry at the "Ecole Supérieure Industrielle de Lyon", E.S.C.I.L. in France, and that I was awarded the Chimiste ESCIL in 1984;

that I have been employed since 1985 by the company CIBA-GEIGY - Specialty Chemicals, Basle, Switzerland, as project leader in chemical

that I presently hold the position of Project Leader for form giving unit

that I have been engaged in the developing of processes for the blending of light stabilizers and other additives and for aqueous dispersions of

that I am an inventor of U.S. Patents assigned to Ciba Specialty Chemicals in the following fields:

5,597,857; 6,225,375; 6,740,694;

and

IN THE UNITED STATES PATENT OFFICE

In re Application of

DIETMAR HÜGLIN ET AL.

Serial No. 10/016,903

Filed December 14, 2001

for: Use of nanodispersions in cosmetic end formulations

DECLARATION UNDER RULE 132

I, Daniel Thibaut, a citizen of France & Switzerland, residing in Blotzheim, France, declare:

that I have studied Chemical Engineering & Chemistry at the "Ecole Supérieure de Chimie Industrielle de Lyon", E.S.C.I.L. in France, and that I was awarded the degree of Ingénieur Chimiste ESCIL in 1984;

that I have been employed since 1985 by the company CIBA-GEIGY AG, now Ciba Specialty Chemicals, Basle, Switzerland, as project leader in chemical engineering;

that I presently hold the position of Project Leader for form giving unit operations;

that I have been engaged in the developing of processes for the blending and solidification of light stabilizers and other additives and for aqueous dispersions of them;

that I am an inventor of U.S. Patents assigned to Ciba Specialty Chemicals Inc., in these fields:

5,597,857; 6,225,375; 6,740,694;

and

that the opinion reported below results from my best knowledge.

It was the object of the opinion reported below to describe the operation of a homomixer, as mentioned on page 4 of European Patent Application No. 0349150 and used in examples of European Patent Application No. 0349150, with respect of shearing forces introduced by said device.

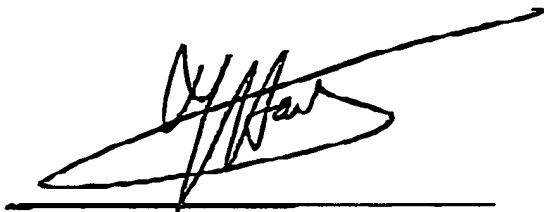
### Opinion

The term homomixer denotes a high-speed stirrer (rotor-stator principle). It applies high shear forces, whose exact value depends on the type of device employed. Commonly, the highest shear speed of a homomixer is in the range  $10'000$  to  $100'000 \text{ s}^{-1}$ .

### Final Statement

I, Daniel Thibaut, declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

Signed, this 21<sup>st</sup> day of January 2005

A handwritten signature in black ink, appearing to read 'D. Thibaut', is written over a horizontal line.

Daniel Thibaut